

REMARKS

Claims 1-23 are all the claims pending in the application.

Claims 1-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Caveney et al. (U.S. Patent No. 4,633,413). Applicant respectfully traverses this rejection on the following basis.

Claim 1, as amended, sets forth the feature of washing a pipetting tip with liquid remaining in a liquid cell, wherein the pipetting tip is disposed within the liquid cell. Applicant submits that Caveney fails to teach or suggest at least this feature of claim 1.

Caveney discloses a dilution apparatus that utilizes a fixed hand probe that is able to receive reagent through the use of a valve and tube system (see Fig. 10). The Examiner takes the position that the hand probe as shown in Fig. 10 corresponds to the pipetting tip as claimed. Even assuming arguendo that a hand probe can be considered a pipetting tip, Applicant submits that Caveney fails to teach the feature of washing a pipetting tip with liquid remaining in a liquid cell, wherein the pipetting tip is disposed within the liquid cell, as set forth in claim 1. Indeed, Caveney does not even remotely suggest such a feature.

Accordingly, as Caveney fails to teach or suggest all of the features of claim 1, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 1. Claims 2-7 and 22 depend from claim 1 and therefore incorporate all of the features thereof. Accordingly, Applicant submits that these claims are patentable least by virtue of their dependency.

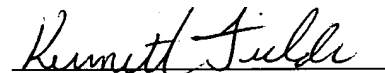
Amendment Under 37 C.F.R. § 1.116
U.S. Application No.: 09/848,330

Independent claims 8, 18 and 20 recite similar features as those discussed above regarding claim 1. Accordingly, Applicant submits that these claims are patentable for at least the same reasons. Claims 9-17 and 23 depend from claim 8. Claim 19 depends from claim 18 and claim 21 depends from claim 20. Accordingly, Applicant submits that these claims are patentable at least by virtue of their dependency.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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